

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 28, 2011 has been entered.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on April 12, 2011 being considered by the examiner.

Examiner's Amendments

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Johnney Han and Charles Fowler on April 12, 2011.

The application has been amended as follows:

Claim 28: On line 1 replace "of claim 26" with --of claim 27—

Claims 43-49: Cancelled

Specification: Replace paragraph [0001] with -- [0001] This application is a Continuation-In-Part of United States Patent Application Serial No. 10/672,375, filed

September 25, 2003, now United States Patent No. 7,416,554, which claims the benefit of the filing date of United States provisional patent application Serial No. 60/500,627, filed September 5, 2003; and is a Continuation-In-Part of United States Patent Applications Serial No. 10/612,170, filed July 1, 2003, and Serial No. 10/639,162, filed August 11, 2003, now United States Patent No. 7,618,426; both of which claim the benefit of the filing date of United States provisional patent application Serial No. 60/433,065, filed December 11, 2002. Furthermore, this application is a Continuation-In-Part of United States Patent Application Serial No. 10/173,203, filed June 13, 2002, now United States Patent No. 7,128,708; as well United States Patent Application Serial No. 10/458,060, filed June 9, 2003, which is a Continuation- In-Part of United States Patent Application Serial No. 10/346,709, filed January 15, 2003, now United States Patent No. 7,637,905, and which claims the benefit of the filing date of United States provisional patent application Serial No. 60/471,893, filed May 19, 2003. Furtherstill, this application is a Continuation- In-Part of United States Patent Application Serial No. 10/288,619, filed November 4, 2002, now United States Patent No. 7,160,312; which is a Continuation-In-Part of United States Patent Application Serial No. 09/746,579, filed December 20, 2000, now United States Patent No. 6,991,643, and a Continuation-In-Part of co-pending, commonly assigned United States Patent Application Serial No. 10/188,509, filed July 3, 2002, now United States Patent No. 7,186,262; which is a Continuation-In-Part of United States Patent Application Serial No. 09/898,726, filed July 3, 2001, now United States Patent No. 6,626,899; which is a Continuation-In-Part of United States Patent Application Serial No. 09/602,436, filed June 23, 2000, now

United States Patent No. 6,669,687, which claims the benefit of the filing date of United States provisional patent application Serial No. 60/141,077, filed June 25, 1999. All of these applications are incorporated herein by reference in their entireties.—

4. The following is an examiner's statement of reasons for allowance: the art of record when considered alone or in combination neither renders obvious a method of performing a medical procedure comprising advancing an overtube with a plurality of nested elements which allow it to be transitioned to a rigid state, advancing a placation device through the lumen of the overtube where the placation device comprises a pair of movable jaws and a needle which deploys anchors from it in order to form a tissue fold.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIANNE DORNBUSCH whose telephone number is (571)270-3515. The examiner can normally be reached on Monday through Thursday 7:30 am to 5:00 pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on (571) 272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. D./
Examiner, Art Unit 3773

/Darwin P. Erezo/
Primary Examiner, Art Unit 3773